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General Motors Corporation
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EXAMINER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WILLIAM E. ITALIA, DAVID A. HOLT,
GARRETT W. GOULD, and ROBERT T. WEISBARTH

Appeal 2009-007734
Application No. 10/801,309¹
Technology Center 2600

Before JOSEPH F. RUGGIERO, MARC S. HOFF, and CARL W.
WHITEHEAD, JR., *Administrative Patent Judges*.

HOFF, *Administrative Patent Judge*.

DECISION ON APPEAL

¹ The real party in interest is General Motors Corporation.

STATEMENT OF CASE

Appellants appeal under 35 U.S.C. § 134(a) from a Final Rejection of claims 1-15.² We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

Appellants' invention concerns a method and apparatus for assigning a mobile dialing number (MDN) to a wireless mobile communications device (MCD). The method and apparatus provide local call access to the MCD from a base address for the MCD. First, the method selects a wireless rate center encompassing the base address. Second, an available MDN in the selected wireless rate center is then assigned to the MCD (Spec. 6).

Claim 1 is exemplary of the claims on appeal:

1. A method for assigning a mobile dialing number(MDN) to a wireless mobile communication device (MCD) for providing local call access to the MCD from a base address for the MCD, the method comprising:

selecting a wireless rate center encompassing the base address and having an MDN providing local call access to the MCD from the base address for the MCD; and

assigning the MDN providing local calling access to the MCD from the base address for the MCD, in the selected wireless rate center encompassing the base address, to the MCD.

The Examiner relies upon the following prior art in rejecting the claims on appeal:

Gallant	US 5,802,468	Sep. 1, 1998
Howe	US 6,876,855 B1	Apr. 5, 2005

² Claims 16-20 have been cancelled.

Claims 1-5 and 7-15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Howe.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Howe in view of Gallant.

Throughout this decision, we make reference to the Appeal Brief (“App. Br.,” filed September 19, 2008), the Reply Brief (“Reply Br.,” filed February 24, 2009) and the Examiner’s Answer (“Ans.,” mailed December 19, 2008) for their respective details.

ISSUES

Appellants argue that Howe does not teach assigning the mobile dialing number (MDN) to the mobile calling device (MCD), because Howe teaches only associating a temporary local directory number (TLDN) with a mobile data unit connected to the calling device (see App. Br. 3, Reply Br. 1-2).

Appellants’ contentions present us with the following issue:

Does Howe teach assigning the MDN providing local calling access to the MCD from the base address for the MCD, in the selected wireless rate center encompassing the base address, to the MCD, as recited in independent claims 1 and 11?

FINDINGS OF FACT

Howe

1. Howe teaches that server 49 associates the identity of a mobile terminal with the mobile identification number MIN of the mobile data unit 51 it is connected to (col. 4, ll. 13-15).

2. Visited Location Register VLR allocates a temporary local directory number TLDN from a pool of numbers whose geographic base is serving switch 63 in communication with mobile terminal 47 (col. 4, ll. 29-32).

3. Server 49 chooses an appropriate data unit 70 from the pool 71 that is local to the physical location of the mobile terminal, based on the NPA-NXX number format of the TLDN (col. 4, ll. 52-55).

4. Serving switch 63 sends a routing request to VLF 57, which then associates the TLDN previously allocated with the data unit 51. The serving switch is now able to connect the incoming call to the data unit by way of the correct cell site 87 (col. 4, ll. 63-67).

PRINCIPLES OF LAW

“A rejection for anticipation under section 102 requires that each and every limitation of the claimed invention be disclosed in a single prior art reference.” *See In re Buszard*, 504 F.3d 1364, 1366 (Fed. Cir. 2007) (quoting *In re Paulsen*, 30 F.3d 1475, 1478-79 (Fed. Cir. 1994)). Anticipation of a claim requires a finding that the claim at issue reads on a prior art reference. *Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1346 (Fed. Cir. 1999) (quoting *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 781 (Fed. Cir. 1985)).

ANALYSIS

CLAIMS 1-5 AND 7-15

We are persuaded by Appellants’ argument that Howe fails to teach assigning a mobile dialing number (MDN) to a mobile calling device (MCD)

(App. Br. 3; Reply Br. 1-2). In Howe, server 49 associates the identity of a mobile terminal (analogous to the claimed MCD) with the mobile identification number MIN of the mobile data unit 51 it is connected to (FF 1). Visited Location Register VLR allocates a temporary local directory number TLDN from a pool of numbers whose geographic base is serving switch 63 in communication with mobile terminal 47 (FF 2). Server 49 chooses an appropriate data unit 70 from the pool 71 that is local to the physical location of the mobile terminal, based on the NPA-NXX number format of the TLDN (FF 3). Serving switch 63 sends a routing request to VLF 57, which then *associates the TLDN previously allocated with the data unit 51*. The serving switch is now able to connect the incoming call *to the data unit* by way of the correct cell site 87 (FF 4, emphasis added). We find that Howe teaches associating the TLDN with data unit 51, but contains no teaching that a mobile dialing number is assigned to a mobile calling device.

We therefore find that Howe does not teach or fairly suggest all the elements of independent claims 1 and 11. Consequently, we find that the Examiner erred in rejecting claims 1 and 11, as well as claims 2-5, 7-10, and 12-15 dependent therefrom, as being anticipated by Howe, and we will not sustain the rejection.

CLAIM 6

We have reviewed the further reference to Gallant and find that it does not remedy the deficiencies of Howe expressed *supra* with respect to parent claim 1. Accordingly, we find that the Examiner erred in rejecting claim 6 as unpatentable under § 103 over Howe in view of Gallant, for the reasons expressed *supra* with respect to claim 1. We will not sustain the Examiner's rejection.

CONCLUSION

Howe does not teach assigning the MDN providing local calling access to the MCD from the base address for the MCD, in the selected wireless rate center encompassing the base address, to the MCD, as recited in independent claims 1 and 11.

ORDER

The Examiner's rejection of claims 1-15 is reversed.

REVERSED

ELD